(27)

## HIGH COURT OF CHHATTISGARH, BILASPUR,

## WRIT PETITION (S) No. 4883/2007

**PETITIONER** Khem Chand Patra, aged about 19 years, s/o Smt. Umeti Bai Patra, r/o Village, Dumtarai, P.O. Bakulvahi, Tahsil Narayanpur, District Bastar (C.G).

***Versus***

**RESPONDENTS**

1. State of Chhattisgarh, Through the Secretary, Department of School Education, D.K.S Bhawan, Raipur (C.G).
2. The District Education Officer, Narayanpur, Distt. Bastar (C.G.)
3. Assistant Commissioner, Tribal Development, Jagdalpur, Distt. Bastar (C.G).

**Writ Petition under Article 226 of the Constitution of India**

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**Appearance:**

Shri Ashok Patil, Counsel for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for the State/respondents on advance copy.

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**ORAL ORDER**

(21.08.2007)

**SUNIL KUMAR SINHA, J.**

Heard on admission.

Learned counsel for the petitioner submits that the mother of the petitioner late Smt. Umeti Bai Patra, who was working as IVth Grade Employee in a school of tribal welfare department at Narayanpur, Distt. Bastar, has died on 07.8.2005. After her death, an application for compassionate appointment was made but the petitioner has not been given such appointment till date.

A perusal of the document Annexure P-1 would show that on 23.5.2007, the Assistant Commissioner Tribal Development, Jagdalpur (Bastar) has sent a memo to the petitioner that application of the petitioner is pending in the department and according to the qualifications of the petitioner, the petitioner would be provided compassionate appointment as and when the posts according to his qualifications are available.

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Learned counsel for the petitioner argues that compulsion of availability of the posts will not be a ground for refusing/delaying compassionate appointment as the same is made to rescue the family of the employee concerned, on account of his/her sudden death.

Having considered the facts and circumstances of this case and after going through the contents of the aforesaid memo dated 23.5.2007, it is directed that the petitioner, if so advised, may file a detailed representation before the concerned authority alongwith a copy of this order and copy of the writ petition within a period of 3 weeks from today and if such a representation is filed, the said authority shall consider and dispose of the same, in accordance with law as early as possible preferably within a period of one month from the date of filing of such representation.

With the aforesaid observation, this petition stands finally disposed of.

C.c. as per rules.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

*Rao*